

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL
Special District Local
Laws Code
Chapter 6613
9/18/14

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18	CHAPTER 6613. CAMERON COUNTY DRAINAGE DISTRICT NO. 3	
19	SUBCHAPTER A. GENERAL PROVISIONS	
20	<u>Revised Law</u>	
21	Sec. 6613.001. DEFINITIONS. In this chapter:	
22	(1) "Board" means the board of directors of the	
23	district.	
24	(2) "Director" means a member of the board.	
25	(3) "District" means the Cameron County Drainage	
26	District No. 3. (Acts 41st Leg., R.S., Ch. 45, Secs. 3 (part), 10	

1 (part); New.)

2 Source Law

3 Sec. 3. [That said . . . District] . . . shall
4 be known as San Benito Cameron County Drainage
5 District Number Three. . . .

6 Sec. 10. . . . the said district shall be
7 hereafter known as San Benito Cameron County Drainage
8 District Three, and

9 Revisor's Note

10 (1) The definitions of "board," "director," and
11 "district" are added to the revised law for drafting
12 convenience and to eliminate frequent, unnecessary
13 repetition of the substance of the definitions.

14 (2) Section 3, Chapter 45, Acts of the 41st
15 Legislature, Regular Session, 1929, provides that the
16 district shall be known as "San Benito Cameron County
17 Drainage District Number Three." In May 1998, the
18 Texas Natural Resource Conservation Commission, the
19 state agency with the relevant regulatory authority at
20 that time, approved an application by the San Benito
21 Cameron County Drainage District No. 3 to change its
22 name under Section 49.071, Water Code, to "Cameron
23 County Drainage District No. 3." The revised law is
24 drafted accordingly.

25 Revised Law

26 Sec. 6613.002. NATURE OF DISTRICT. The district is a
27 drainage district created as a conservation and reclamation
28 district under Section 59, Article XVI, Texas Constitution. (Acts
29 41st Leg., R.S., Ch. 45, Secs. 3 (part), 10 (part).)

30 Source Law

31 Sec. 3. That said San Benito Cameron County
32 Drainage District Number Three be and the same is
33 hereby converted and created into a Conservation and
34 Reclamation District under the provisions of Section
35 59 of Article 16, of the Constitution of the State of
36 Texas, and the General Laws not inconsistent with this
37 Act, and

38 Sec. 10. . . . the said drainage district
39 hereby created as a Conservation and Reclamation
40 District . . . it being the intent hereof to convert

1 said San Benito Cameron County Drainage District
2 Number Three into a Conservation and Reclamation
3 District, without change of name, or impairment of any
4 of its obligations, and the same shall be a
5 Conservation and Reclamation District under the
6 provisions of Section 59 of Article 16 of the State
7 Constitution and

8 Revisor's Note

9 (1) Section 3, Chapter 45, Acts of the 41st
10 Legislature, Regular Session, 1929, provides that the
11 district is "hereby converted and created into" a
12 conservation and reclamation district under Section
13 59, Article XVI, Texas Constitution. Section 10,
14 Chapter 45, Acts of the 41st Legislature, Regular
15 Session, 1929, provides that it is the intent of that
16 act "to convert" the district into a conservation and
17 reclamation district "without change of name, or
18 impairment of any of its obligations." The revised law
19 omits the quoted language as executed.

20 (2) Section 3, Chapter 45, Acts of the 41st
21 Legislature, Regular Session, 1929, provides that the
22 district is a conservation and reclamation district
23 under Section 59, Article XVI, Texas Constitution, and
24 "the General Laws not inconsistent with this Act." The
25 revised law omits the quoted language because general
26 laws apply on their own terms, and Section 311.026,
27 Government Code (Code Construction Act), provides for
28 the construction of conflicting statutes.

29 Revised Law

30 Sec. 6613.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
31 The conversion of the district into a conservation and reclamation
32 district under Section 59, Article XVI, Texas Constitution:

- 33 (1) is feasible, practicable, and needed;
34 (2) will be a public benefit and a public utility; and
35 (3) will benefit all land and property included in the
36 district.

37 (b) All property in the district is benefited, and no

1 property benefited is not included in the district.

2 (c) No land is included in the district except land that
3 will be benefited. (Acts 41st Leg., R.S., Ch. 45, Secs. 2 (part), 3
4 (part).)

5 Source Law

6 Sec. 2. . . . it is hereby determned and
7 declared that all property within the boundaries of
8 said District as herein set forth is benefited, and
9 that no property benefited is not included within said
10 District.

11 Sec. 3. [That said San Benito Cameron County
12 Drainage District Number Three . . . is . . .
13 converted . . . into a Conservation and Reclamation
14 District under the provisions of Section 59 of Article
15 16, of the Constitution of the State of Texas]
16 The conversion of said district, as herein provided,
17 is feasible, practicable and is needed, and will be a
18 public benefit and a public utility, and no land is
19 included within said boundaries except such as will be
20 benefited, and that the conversion of said district
21 into a Conservation and Reclamation District will be a
22 benefit to all the land and property included in said
23 district.

24 Revised Law

25 Sec. 6613.004. DISTRICT TERRITORY. The district is
26 composed of the territory described by Section 2, Chapter 45, Acts
27 of the 41st Legislature, Regular Session, 1929, as that territory
28 may have been modified under:

29 (1) Subchapter J, Chapter 49, Water Code; or

30 (2) other law. (New.)

31 Revisor's Note

32 The revised law does not revise the statutory
33 language describing the territory of the district to
34 avoid the lengthy recitation of the description and
35 because that description may not be accurate on the
36 effective date of the revision or at the time of a
37 later reading. For the reader's convenience, the
38 revised law includes references to the statutory
39 description of the district's territory and to the
40 statutory authority to change the district's territory
41 under Subchapter J, Chapter 49, Water Code, applicable
42 to the district under Sections 49.001 and 49.002 of

1 that chapter. The revised law also includes a
2 reference to the general authority of the legislature
3 to enact other laws to change the district's territory.

4 SUBCHAPTER B. BOARD OF DIRECTORS

5 Revised Law

6 Sec. 6613.051. COMPOSITION OF BOARD. The board consists of
7 three directors. (Acts 41st Leg., R.S., Ch. 45, Sec. 6 (part);
8 New.)

9 Source Law

10 Sec. 6. The three Drainage Commissioners

11 Revisor's Note

12 Section 6, Chapter 45, Acts of the 41st
13 Legislature, Regular Session, 1929, refers to
14 "Drainage Commissioners." Throughout this chapter,
15 the revised law substitutes "director" for "Drainage
16 Commissioner" and "board" for "Drainage
17 Commissioners" to conform to the terminology of the
18 Water Code.

19 Revised Law

20 Sec. 6613.052. COMPENSATION OF DIRECTORS. (a) A director
21 shall receive for the director's services not more than \$5 per day
22 for the time the director is actually engaged in the work of the
23 district, which shall be set by order of the commissioners court.

24 (b) In all areas of conflict with Subsection (a) of this
25 section, Section 49.060, Water Code, takes precedence.

26 (c) A director's compensation may be increased as
27 authorized by Section 49.060, Water Code, by resolution adopted by
28 the board in accordance with Subsection (e) of that section on or
29 after September 1, 1995. (Acts 41st Leg., R.S., Ch. 45, Sec. 6
30 (part); New.)

31 Source Law

32 Sec. 6. . . . Drainage Commissioners of the
33 District shall receive for their services not more
34 than five dollars per day for the time actually engaged
35 in the work, which shall be fixed by order of the
36 County Commissioners' Court.

1 Revisor's Note

2 Section 6, Chapter 45, Acts of the 41st
3 Legislature, Regular Session, 1929, provides that
4 "Drainage Commissioners of the District shall receive
5 for their services not more than five dollars per day
6 for the time actually engaged in the work, which shall
7 be fixed by order of the County Commissioners' Court."
8 Section 49.060, Water Code, enacted in 1995 and
9 applicable by its own terms to the district, also
10 provides for a director's fees of office, computed on a
11 rate per day of certain service, and, under Subsection
12 (a-1) of that section, enacted in 2003, requires the
13 board of each district to adopt a resolution limiting a
14 director's total annual fees of office. Section
15 49.060(e) provides that, in all areas of conflict,
16 Section 49.060 takes precedence over all prior
17 statutory enactments and that, if the enactment of
18 that section would result in a fee increase, the
19 increase does not apply to a district unless the board
20 by resolution authorizes payment of the higher fees.
21 It is unclear to what extent the quoted language may be
22 in conflict with Section 49.060. To preserve the
23 ambiguity, the revised law includes the substance of
24 the quoted language and adds provisions necessary to
25 preserve the effect of Section 49.060 to the extent of
26 a conflict with that language.

27 Revisor's Note
28 (End of Subchapter)

29 Section 6, Chapter 45, Acts of the 41st
30 Legislature, Regular Session, 1929, provides a
31 transition for the drainage commissioners serving at
32 that time to continue to serve the district after its
33 conversion by the legislature. The revised law omits
34 the provision as executed. The omitted law reads:

1 Sec. 6. [The three Drainage
2 Commissioners] now serving shall be
3 Drainage Commissioners of the District,
4 created by this Act until their successors
5 have been appointed and qualified in the
6 manner provided by law. . . .

7 SUBCHAPTER C. POWERS AND DUTIES

8 Revised Law

9 Sec. 6613.101. GENERAL POWERS. The district has the
10 powers, functions, and privileges provided under Section 59,
11 Article XVI, Texas Constitution, and the general laws governing
12 drainage districts. (Acts 41st Leg., R.S., Ch. 45, Secs. 9 (part),
13 10 (part).)

14 Source Law

15 Sec. 9. [The district hereby created shall own
16 all property and rights in property . . . and the title
17 to same is . . . to be held and used] under the
18 provisions of Section 59, of Article 16, of the
19 Constitution, and the provisions of General Laws
20 enacted and to be enacted for the government of
21 drainage districts.

22 Sec. 10. . . . [San Benito Cameron County
23 Drainage District Number Three . . . shall be a
24 Conservation and Reclamation District under the
25 provisions of Section 59 of Article 16 of the State
26 Constitution] . . . shall have and may exercise all
27 the powers, authority, functions and privileges
28 provided in Constitutional and statutory provisions
29 hereinabove mentioned.

30 Revisor's Note

31 (1) Section 10, Chapter 45, Acts of the 41st
32 Legislature, Regular Session, 1929, refers to the
33 "powers, authority, functions and privileges" of the
34 district. The revised law omits the reference to
35 "authority" because, in context, "authority" is
36 included in the meaning of "powers."

37 (2) Section 10, Chapter 45, Acts of the 41st
38 Legislature, Regular Session, 1929, provides that the
39 district has certain powers, functions, and privileges
40 provided in the "statutory provisions hereinabove
41 mentioned." The revised law substitutes a reference
42 to the general laws governing drainage districts for
43 the quoted language because the only specific
44 statutory provisions that are mentioned in Chapter 45

1 are in Section 9, which provides that the district
2 shall own and use property under "the provisions of
3 General Laws enacted and to be enacted for the
4 government of drainage districts." The revised law
5 omits "enacted and to be enacted" as unnecessary under
6 accepted general principles of statutory
7 construction. "General Laws" means those laws
8 "enacted" at the time the provision was adopted. It is
9 unnecessary to state that the district may be granted
10 additional powers by later enacted laws because those
11 laws apply on their own terms.

12 Revised Law

13 Sec. 6613.102. CONTROL, CONSTRUCTION, AND REPAIR OF
14 DISTRICT IMPROVEMENTS; CONTRACTS FOR NEW CONSTRUCTION. (a) The
15 board may control and supervise the construction and maintenance of
16 canals, drains, ditches, levees, and other improvements of the
17 district and shall keep them in repair.

18 (b) The board may construct new improvements necessary for
19 the drainage of land in the district.

20 (c) A contract for new construction may or may not be let on
21 bids and contracts as provided by law, within the discretion of the
22 board as may seem for the best interest of the district. (Acts 41st
23 Leg., R.S., Ch. 45, Sec. 4.)

24 Source Law

25 Sec. 4. The Drainage Commissioners shall keep
26 the canals, drains, ditches, levees and other
27 improvements heretofore made, and to be made
28 hereunder, in repair, and shall have general authority
29 to supervise and control the construction and
30 maintenance of the same, and shall have power to
31 construct new improvements necessary to the drainage
32 of said land, and contracts for such new construction
33 may or may not be let upon bids and contracts as now
34 provided by law, as within the discretion of the
35 Drainage Commissioners may seem for the best interest
36 of the district.

37 Revisor's Note

38 Section 4, Chapter 45, Acts of the 41st
39 Legislature, Regular Session, 1929, refers to

1 contracts let on bids and contracts as "now" provided
2 by law. The revised law omits as unnecessary and
3 potentially misleading the term "now," which referred
4 to the laws existing at the time of the enactment of
5 the provision in 1929. To the extent the term means
6 the provision prevails over future enactments of the
7 legislature that may conflict with that provision, the
8 term is misleading in that one session of the
9 legislature may not bind a future session of the
10 legislature. Including the term "now" in the revised
11 law may also imply that the provision is limited to
12 laws in existence at the time of the enactment of the
13 revised law.

14 SUBCHAPTER D. FINANCIAL PROVISIONS

15 Revised Law

16 Sec. 6613.151. TAXES. The board shall annually impose
17 taxes on all taxable property in the district:

18 (1) in an amount sufficient to pay the interest as it
19 becomes due on district bonds and to create a sinking fund for the
20 payment of the bonds at maturity; and

21 (2) to pay for the maintenance and operation of the
22 district and necessary improvements to be made for the district.

23 (Acts 41st Leg., R.S., Ch. 45, Sec. 5.)

24 Source Law

25 Sec. 5. The County Commissioners' Court of
26 Cameron County, Texas, shall annually levy and cause
27 to be assessed and collected taxes upon all taxable
28 property within the district, sufficient in amount to
29 pay the interest on the bonds now outstanding, and
30 which hereafter may be executed, as it falls due, and
31 to create a sinking fund for the payment of such bonds
32 at maturity; and shall also annually levy, and cause to
33 be assessed and collected, taxes upon such property to
34 pay for the maintenance and operation of such district
35 and for the necessary improvements to be made for such
36 district.

37 Revisor's Note

38 (1) Section 5, Chapter 45, Acts of the 41st
39 Legislature, Regular Session, 1929, requires the

1 commissioners court of Cameron County to levy taxes on
2 district property. The revised law substitutes the
3 "board" for the "County Commissioners' Court of
4 Cameron County" because the provision conflicts with
5 Section 26.05, Tax Code. Section 6(b), Chapter 841,
6 Acts of the 66th Legislature, Regular Session, 1979,
7 repealed the conflicting provisions of all general,
8 local, and special laws to the extent of a conflict
9 with that act. The 1979 act enacted the Property Tax
10 Code (Title 1, Tax Code), a comprehensive, substantive
11 codification of the laws governing the administration
12 of ad valorem taxes. Section 26.05, Tax Code,
13 provides, in substance, that the governing body of a
14 taxing unit, not the county commissioners court for
15 the county in which the unit is located, is responsible
16 for adopting a tax rate for the taxing unit.

17 (2) Section 5, Chapter 45, Acts of the 41st
18 Legislature, Regular Session, 1929, requires the
19 commissioners court of Cameron County to "levy" and
20 cause taxes "to be assessed and collected."
21 Throughout this chapter, the revised law substitutes
22 "impose" for "assess," "levy," "collect," and similar
23 terms because "impose" is the term generally used in
24 Title 1, Tax Code, and includes the assessment,
25 levying, and collection of a tax.

26 Revised Law

27 Sec. 6613.152. DISTRICT FUNDS. (a) The interest and
28 sinking fund consists of taxes collected for the fund. Money in the
29 interest and sinking fund may be paid out only to:

30 (1) pay district bonds and satisfy and discharge
31 interest on the bonds; and

32 (2) defray the expense of imposing a tax for the fund.

33 (b) The maintenance and improvement fund consists of money
34 collected by assessment or other sources for:

1 (1) the maintenance of property owned or acquired by
2 the district;

3 (2) necessary improvements to be made by the district;
4 and

5 (3) the general purposes of the district. (Acts 41st
6 Leg., R.S., Ch. 45, Secs. 7, 8.)

7 Source Law

8 Sec. 7. There is hereby created what shall be
9 termed an interest and sinking fund for such district,
10 and all of the taxes collected under the provisions of
11 this Act for such fund shall be credited to such fund
12 and shall never be paid out except for the purpose of
13 satisfying and discharging the interest on said bonds
14 and the payment of such bonds, and to defray the
15 expense of assessing and collecting such tax.

16 Sec. 8. There is also hereby created a fund to
17 be known as maintenance and improvement fund, and such
18 fund shall consist of all moneys collected by
19 assessment, or otherwise, for the maintenance of the
20 properties owned or acquired by such district and for
21 the necessary improvements to be made by it, and shall
22 be paid out for the general purposes of the district.

23 Revisor's Note
24 (End of Chapter)

25 (1) Section 1, Chapter 45, Acts of the 41st
26 Legislature, Regular Session, 1929, validates the
27 establishment of the district and certain district
28 actions. That provision is omitted from the revised
29 law because it served its purpose on the day it took
30 effect and is executed law. Section 311.031(a)(2),
31 Government Code (Code Construction Act), provides that
32 the repeal of a statute does not affect any validation
33 previously made under the statute. Therefore, the
34 omission of the executed validation provision does not
35 affect the validation. The omitted law reads:

36 Sec. 1. That San Benito Cameron
37 County Drainage District Number Three,
38 heretofore formed and organized under
39 Article 3, Section 52, of the Constitution
40 of Texas and the laws enacted pursuant
41 thereto, be and the same is hereby
42 validated, and the bonds heretofore issued
43 by said district, and the contracts made and
44 indebtedness incurred by it, are hereby
45 validated.

46 (2) Section 9, Chapter 45, Acts of the 41st

1 Legislature, Regular Session, 1929, requires the
2 re-created district to take over all property and
3 rights in property, including current and delinquent
4 taxes, owned by the initial district. The revised law
5 omits that provision as executed. The omitted law
6 reads:

7 Sec. 9. The district hereby created
8 shall own all property and rights in
9 property now owned by the said San Benito
10 Cameron County Drainage District Number
11 Three, including current and delinquent
12 taxes, before its conversion hereby, and
13 the title to same is hereby vested in the
14 district hereby created, to be held and used
15

16 (3) Section 10, Chapter 45, Acts of the 41st
17 Legislature, Regular Session, 1929, requires the
18 re-created district to assume all obligations,
19 contracts, and indebtedness of the initial district
20 and to pay off and discharge all outstanding bonds.
21 The revised law omits that provision as executed. The
22 omitted law reads:

23 Sec. 10. All obligations, contracts
24 and indebtedness heretofore legally created
25 by and on behalf of San Benito Cameron
26 County Drainage District Number Three prior
27 to its conversion by this Act, and all
28 obligations, contracts and indebtedness
29 heretofore legally created by and on behalf
30 of San Benito Cameron County Drainage
31 District Number Three, embracing the
32 territory hereinabove described in Section
33 2, are hereby expressly imposed upon said
34 San Benito Cameron County Drainage District
35 Number Three hereby created, and shall be
36 executed and discharged by the said San
37 Benito Cameron County Drainage District
38 Number Three, and [the said drainage
39 district hereby created as a Conservation
40 and Reclamation District] shall be held to
41 have assumed the discharge of all such
42 obligations, contracts and indebtedness,
43 and the same shall be enforceable,
44 collectible from, paid and discharged, by
45 the San Benito Cameron County Drainage
46 District Number Three, as here now created
47 as a Conservation and Reclamation District,
48 specifically \$450,000.00 of bonds issued by
49 order of the Commissioners' Court of Cameron
50 County, September 23, 1912, recorded in
51 Volume "L" pages 35 to 42 of the Minutes
52 thereof as amended by order of said court of
53 date October 21, 1912, entered in the

Minutes of said court in Volume "L" pages 66 et seq. said bonds dated July 10, 1912, maturing serially from April 10, 1915, to April 10, 1939, both inclusive, with option of redemption in ten years, said bonds in the denomination of \$500.00 each, and numbered from 1 to 900, both inclusive; said \$450,000.00 bonds or such part thereof as are now outstanding are hereby ratified, validated, approved, confirmed and assumed by the said San Benito Cameron County Drainage District Number Three, as herein converted to a Conservation and Reclamation District, and the said bonds, both principal and interest, now remaining unpaid shall be paid off and discharged by the said San Benito Cameron County Drainage District Number Three, as here created,

(4) Section 11, Chapter 45, Acts of the 41st Legislature, Regular Session, 1929, provides that public notice of enactment of the statute was provided within the time and in a manner provided by law. The revised law omits that provision as executed. The omitted law reads:

Sec. 11. Proof of the publication of the notice required for the enactment of this bill has been made for the time and in the manner and form provided by law.